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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 HILTON LAWRENCE BROWN,  
12 Petitioner,

No. C-09-5997 TEH (PR)

13 v.

ORDER DISMISSING PETITION FOR  
WRIT OF HABEAS CORPUS; DENYING  
CERTIFICATE OF APPEALABILITY

14 FRANCISCO JACQUEZ, Warden,  
15 Respondent.  
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18 This habeas corpus action by a pro se prisoner was filed  
19 on December 22, 2009. Doc. #1. On December 30, 2009, the Court  
20 notified Petitioner in writing that the action was deficient because  
21 he did not pay the requisite \$ 5.00 filing fee or, instead, submit a  
22 signed and completed court-approved in forma pauperis application,  
23 including a signed and completed certificate of funds in his  
24 prisoner's account and a copy of his prisoner's trust account  
25 statement for the last six months. See 28 U.S.C. § 1915(a)(2).  
26 Petitioner was advised that failure to file the requested items  
27 within thirty (30) days would result in dismissal of the action.  
28 Doc. #7.


1 Over three months have elapsed since Petitioner was  
2 notified of his filing deficiency; however, he has not provided the  
3 Court with the requisite items, or sought an extension of time to do  
4 so. Accordingly, the action is DISMISSED without prejudice.

5 Further, a Certificate of Appealability is DENIED. See  
6 Rule 11(a) of the Rules Governing Section 2254 Cases (effective Dec.  
7 1, 2009). Petitioner may not appeal the denial of a Certificate of  
8 Appealability in this Court but may seek a certificate from the  
9 Court of Appeals under Rule 22 of the Federal Rules of Appellate  
10 Procedure. Id.

11 The Clerk shall terminate all pending motions as moot and  
12 close the file.

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15 IT IS SO ORDERED.

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17 DATED 04/13/10

  
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THELTON E. HENDERSON  
United States District Judge